

**MINUTES OF THE REGULAR MEETING OF THE
WASHINGTON STATE TRANSPORTATION COMMISSION
November 13 & 14, 2003**

The regular meeting of the Washington State Transportation Commission was called to order at 9:45 a.m., on November 13, 2003, in Room 1D2 of the Transportation Building in Olympia, Washington.

Commissioners present were: Aubrey Davis, Chair, Ed Barnes, Elmira Forner, George Kargianis, A. Michèle Maher, Dan O'Neal and Dale Stedman.

APPROVAL OF MINUTES

It was moved by Commissioner Maher, and seconded by Commissioner Barnes to approve meeting minutes for September 24, 2003 and October 15 & 16, 2003. The motion passed unanimously.

WASHINGTON STATE FERRIES UPDATE

Ray Deardorf, Planning Director, WSF, provided a briefing on historical ferry ridership patterns and trends dating back to 1951 through early fiscal year 2004. Ridership patterns varied based on the rate of growth in specific areas and events that may have affected the local economy. As a result of Initiative 695 necessary service cuts were made along with fare increases in combination with a regional recession resulted in a decline in ridership. As road connections improved and sub-urbanization spread northward some routes became busier than others. He provided a brief overview of ridership on the Kitsap Peninsula routes.

Mike Thorne, CEO, Washington State Ferries, commented that WSF would continue to present ridership trends information at future Commission meetings. He explained that ferry schedule adjustments were discussed with Vashon, Southworth and Fauntleroy Ferry Advisory Committee. These adjustments have been implemented in order to maintain efficiency of the fleet. There is indication that levels of service have improved as a result of the changes that have been implemented.

Sam Kuntz, Chief Financial Officer, WSF, stated that during the 2003 session the Legislature passed the transportation appropriations bill ESHB 1163, which included 19 provisos relating to WSF. Nine of those provisos are routine funding provisos such as labor and fuel. Ten of those provisos require that WSF conduct a variety of studies to improve operating and capital decisions. Several of these provisos require reporting to the Legislature. The 2003-05 budget for WSF includes new funding for implementation of a claims management process for Jones Act claims. Mr. Kuntz briefed the Commission regarding the status of the studies required to fulfill ESHB 1163. He explained that there is no funding for preservation of passenger-only ferries beyond 2003-05.

Chair Davis commented that the future of passenger ferries is uncertain. The Legislature and interested parties will meet sometime in December 2003 to discuss the options. He stated that it is the Legislature's decision to determine whether to fund passenger ferries.

Secretary MacDonald stated that he has asked WSF to prepare a service plan that will include ridership data, operating hours and routes. The plan will be used as a tool in developing alternatives and solutions. It will also aid the Department and Legislative Ferry Caucus in their decision making process.

Gérard John Sheehan, Legislative Director, American Civil Liberties Union of Washington, stated that there is concern regarding constitutional rights for ferry passengers with the implementation of unannounced searches by Washington State Ferries. He explained that he hopes the Department will discuss the legal issues with the federal government.

PALOUSE COULEE CITY RAILROAD ANALYSIS

Judy Giniger, Director, Public Transportation and Rail Division, provided a briefing regarding the review process that is being carried out for the potential acquisition of the right of way of the Palouse River & Coulee City Railroad (PCC). The PCC has been under-maintained for years and has built up a considerable maintenance backlog, with some of the lines requiring major rehabilitation work. The current owner, WATCO is unwilling to make necessary additional large investments into the line without assistance. WATCO notified the Department and other public officials that it plans to begin formal abandonment of certain lines. Concerned about the potential loss of a valuable transportation asset whose operation provides considerable public benefits, the 2003 legislature appropriated funding for a series of projects to acquire the PCC's right of way for rehabilitation. The PCC is an important element of current and future economic development in Eastern Washington. The Department is developing a communications plan for outreach to shippers, businesses, local jurisdictions and ports to share information gathered to discuss the level of local support for the acquisition of the PCC. This information would aid the Department in its decision making process. Ms. Giniger stated that this issue would be brought before the Commission in January 2004.

OFFICE OF THE SECRETARY REPORT

Secretary MacDonald stated that the Department's materials lab and University of Washington have won an award from the National Engineering Education Delivery System for publishing the Pavement Guide.

Linea Laird, Project Manager, Tacoma Narrows Bridge, briefed the Commission regarding a mitigation issue with glaring lights at night from the Performance Golf range on SR 16. The plan is to install a screen and light shields on the lights in order to eliminate some of the glare.

John Conrad, Assistant Secretary, Engineering and Regional Operations, provided an update on the status of the Port Angeles graving dock site. The Department and Tribe

are working on a memorandum of agreement. Recently all parties have come to an agreement to allow for installation of drainage facilities. Continued negotiations are moving forward on the rest of the project.

Barbara Ivanov, Director, Freight Strategy and Policy, stated that her plan for the future is to focus on providing excellent customer information. She plans to develop activities, products and projects to meet the needs of freight users.

Secretary MacDonald stated that it is the Department's responsibility to address highway damage caused by studded tire usage. The Department will continue to look at recommendations to lawmakers and public use of studded snow tire alternatives. He went on to discuss the Department's working relationship with the Transportation Performance Audit Board (TPAB). The TPAB has requested a summary of reports generated by the Department that are distributed within agency programs and any reports that are submitted to regulatory agencies. He explained that the TPAB would focus on whether or not citizens are getting what their dollars pay for.

Secretary MacDonald stated that the Regional Transportation Investment District completed the Request for Proposal process and has retained a consulting firm.

Chris Christopher, State Maintenance Engineer, briefed the Commission regarding highway damages so far this year that occurred as a result of unusually heavy rainfall.

Paula Hammond, Chief of Staff, provided a briefing of tentative federal Transportation appropriations discretionary funding. This funding will help fund critical transportation projects throughout the state.

Amy Arnis, Co-Director, Strategic Planning and Programming, briefed the Commission regarding project de-selection, so that spending can be reduced as a result of Initiative 776. The combined impact of funding loss is \$34 million, \$29 million as a result of I-776 and \$5 million from other forecast adjustments, in the 2003-05 biennium. These fund reductions should take place in the Highway Construction Program. There will be no cuts in maintenance or operations.

Secretary MacDonald explained that the Legislature's process in determining project cuts is going to be complicated. The Commission will play an important role in determining the process and project cuts.

Commissioners discussed de-selection of projects and shared comments on how to best approach this issue to the Legislature.

Chair Davis requested that the project meeting criteria for de-selection be provided at the December 17 & 18, 2003 Commission meeting.

GRAY NOTEBOOK PRESENTATION

Paul Wagner, Biology Branch Manager, provided a briefing regarding Endangered Species consultation. The Department is proactive in meeting the benchmarks for project compliance with the Endangered Species Act. Services are being coordinated between agencies to aid in the improvement of the process.

Patty Lynch, Compliance Permitting Branch Manager, provided an overview of environmental compliance assurance. The Department is developing a full scale Environmental Management System (EMS). As part of the EMS there will be a Construction Services Program focused on environmental compliance. This will be piloted with the Nickel projects to evaluate its effectiveness for statewide implementation. The major goal of this program is to ensure that environmental commitments are clearly communicated and implemented in design, construction and facility operation. The three major components of the program are; pre construction review of commitments and training, tools for compliance during construction, and procedures for resolving and reporting non-compliance events. Tools will be developed for the environmental staff to aid construction and maintenance staff in maintaining compliance on the project site.

Amy Arnis, Co-Director, Strategic Planning and Programming, provided a briefing on the Nickel Account Revenue forecast and Multimodal Account Revenue forecast.

Paula Hammond, Chief of Staff, reminded Commissioners and interested parties that they can view major project reporting thru various types of media, including the Internet and Gray Notebook. She explained that the projects might require schedule adjustments as a result of planning and design activities. These adjustments may identify the need to make adjustments to construction delivery spending schedules. The Department is working closely with the Legislature on project schedule adjustments. She went on to discuss project opportunities and options for Legislative consideration.

HIGH OCCUPANCY TOLL (HOT) LANE PILOT PROJECT

Charlie Howard, Director, Strategic Planning and Programming, provided a brief background history of the High Occupancy Toll (HOT) Lane Pilot Project. The HOT Lane operation data will be provided to the Commission at the December 17 & 18, 2003 meeting.

Mike Cummings, Manager, Urban Planning Office, briefed the Commission regarding the findings of the draft HOT Lane Feasibility Analysis and the SR 167 HOT Lane Pilot Project proposal. The intent is to improve the overall efficiency of the roadway while maintaining the travel speeds for transit and other HOV lane users. This can be accomplished by taking advantage of the unused capacity available in the existing HOV lane by converting it to a HOT lane. A HOT lane is one or more lanes on a highway that use tolls as a means to maintain travel-time speed and reliability. Access into the HOT lanes would remain free for transit, carpools and vanpools.

The Department's analysis focused on HOV-roadway segments that have congestion in the peak direction, available HOV lane capacity, and room to make needed improvements. Six segments of the HOV system were identified as viable candidates. A segment of SR 167

was selected as the top candidate for continued analysis and a proposed HOT lane pilot project. If approved and funded, the SR 167 HOT Lane Pilot Project would be the first HOT lane in the state and it would provide more data to help determine if HOT lanes could be used in other locations, what modifications would be needed and the level of public acceptance. The Department's intent is to request funding from the Legislature for this project. Because of its uniqueness the project is receiving national attention.

Ed Regan, Wilbur Smith Associates, commented that toll rates are value pricing based on traffic volumes. The lower the congestion, the lower the toll. It is estimated that the capital cost to convert the existing HOV lane could be recovered in 11 years.

Mayor Jim White, City of Kent, shared his support of the proposed implementation of HOT lane on SR 167. He explained that the cities of South King County and their Mayors support, and have united around, the desperate need to add capacity and efficiency to SR 167.

Kevin Shively, Transportation Choices Coalition, commented that the Coalition is supportive of congestion pricing as an alternative means of financing our transportation system. The HOT lane pilot project is a feasible means of tackling congestion in the Puget Sound Region. A potential concern is that vehicles moving in and out of the limited access points to and from the HOT lane may create congestion of the general-purpose traffic lanes.

HIGHWAYS & LOCAL PROGRAMS OVERVIEW

Kathleen Davis, Director, Highways & Local Programs (H&LP), provided a brief history of the program. H&LP serves as the steward of the local agency federal aid program by administering and managing federal funds from project development through construction administration. In addition, the program provides technical assistance and training, and promotes cooperative planning and partnerships between WSDOT and local agencies.

Mary Ann Duncan-Cole, City Administrator for the City of Stevenson, provided an overview of SR 14 project timelines from conception to completion in September 2003.

EQUAL OPPORTUNITY OFFICE BRIEFING

Brenda Richardson, Director, Equal Opportunity Office (OEO), and OEO staff briefed the Commission regarding the Department's equal opportunity efforts.

Jim Medina, Manager, External Civil Rights Branch (ECRB), explained that most of the programs and activities in which ECRB is involved are required by federal regulations. ECRB develops the Disadvantaged Business Enterprises (DBE) contracting goals and methodologies that are approved by the US Department of Transportation. ECRB will be increasing its efforts to prevent fraud in the program by monitoring DBEs with reviews to ensure that they are performing and managing their workforce. The Department will also be monitored to ensure compliance with regulations. ECRB will continue to seek and implement the most efficient and effective method of doing business.

Margarita Mendoza de Sugiyama, Diversity Programs Administrator, provided a briefing regarding affirmative action accomplishments. She outlined the major accomplishments that the program has achieved and addressed items that are planned for the program next year. OEO is inquiring with the Office of Financial Management and the Department of Personnel to participate and assure that affirmative action issues are central considerations in Civil Service Reform.

FUND TRANSFER BETWEEN HIGHWAY CONSTRUCTION AND LOCAL PROGRAMS

Stephanie Tax, Manager, Program Management, stated that the purpose of today's briefing is to request the Commission's approval to forward a request to Office of Financial Management to transfer funds from the Highway Improvement Program to Local Programs as permitted by budget proviso. The Legislature has granted the Department the authority to transfer state funds from its Improvement or Preservation Program to Local Programs, in exchange for local federal funds.

It was moved by Commissioner Maher, and seconded by Commissioner Barnes to approve the Department's request to transfer funds between the Highway Construction Program and Local Programs be approved and submitted to the Office of Financial Management for approval. The motion passed unanimously.

SR 16/BURLEY-OLALLA ROAD INTERIM SAFETY PROJECT

John Nisbet, Olympic Region Traffic Engineer, addressed the Commission regarding the proposed SR 16/Burley-Olalla Intersection interim safety improvement project. The outcome of this briefing is to provide the Commission with an understanding of the interim configuration for the intersection, projects for accident reduction and the process used to arrive at the final design. He explained the recent history of the intersection, the safety improvement development process, public involvement in the process and the safety benefits. The Department anticipates moving forward with the federally funded interim safety improvement project for the intersection, but is receiving public resistance to an interim fix. The community is concerned that the interim fix may effect funding that has been allocated to the interchange project.

PUBLIC AND LEGISLATOR COMMENT PERIOD

Senator Bob Oke commented that regular travelers expect that cars may cross in front of them, but infrequent travelers do not. He feels that during peak travel times the intersection is extremely unsafe. He stated that he is supportive of the interim safety project.

Chair Davis stated that the SR 16/Burley-Olalla Interchange project is part of the Nickel package. The Commission is unable to move the construction project start date forward without Legislative approval. He asked Senator Oke if there is a means to move the project forward by including it in the Tacoma Narrows Bridge Project.

Senator Oke responded that it would be extremely difficult to include the interchange project in the Tacoma Narrows Bridge project.

Representative Lois McMahan stated that the Burley-Olalla Interchange project has been promised to the community many times. An interim safety improvement would put an additional impact on local roads. There are changes that she would recommend that are not in the safety project proposal. The community does not feel that the interchange construction project will occur because the start date is so far in the future.

Randy Boss, Cross Sound Transportation Coalition, shared his concerns with the Commission regarding safety issues at the Burley-Olalla Intersection. The community understands the state's financing constraints, but friends and family drive through this unsafe interchange, life and safety issues are far more important than funding issues.

Tish Culp, resident of Olalla, stated that she feels the interim safety project is not going to fix all of the problems with the intersection.

Kevin Wirth shared that local residents do not use the Burley-Olalla Intersection because of the safety hazards. He requested that the Commission let the Legislature know that the interim fix is not the solution and will not reduce the most serious accidents.

Jay Spady, resident of Port Orchard, shared his concerns regarding the interim safety project for the Burley-Olalla Intersection.

Cholly Mercer, President, Rainier Petroleum Corporation, shared his concerns regarding Washington State Ferries changes in their refueling process.

Paul Locke, citizen, commented regarding funding for projects like Burley-Olalla Intersection. He complained that laws are driving up the cost of projects, and that our current roads are inferior and falling apart.

John Worthington, citizen, shared his concerns regarding Sound Transit's rapid mass transit plans.

TRANSPORTATION BONDS – AMENDING COMMISSION RESOLUTION 648

Amy Arnis, Co-Director, Strategic Planning and Programming, presented Resolution No. 658, to amend Resolution No. 648, to the Commission for approval and adoption.

It was moved by Commissioner Maher, and seconded by Commissioner Barnes to approve Resolution No. 658, amending Resolution No. 648 adopted by the Washington State Transportation Commission, April 16, 2003, in order to clarify that proceeds from the sales of the bonds appropriated in the 2003-05 Transportation Budget (ESHB 1163, Chapter 360, Laws of 2003) should be deposited into the accounts of the Motor Vehicle Fund or Multimodal Transportation Fund as specified by law. The motion passed unanimously.

ADOPTION OF COMMISSION MEETING SCHEDULE FOR 2004

Chair Davis requested that Commissioners review and approve the 2004 Commission meeting dates.

It was moved by Commissioner Barnes, and seconded by Commissioner Maher to approve the Commission meeting schedule for 2004. The motion passed unanimously.

COMMISSIONER REPORTS

Commissioner Stedman reported that he is attending meetings which Commissioner Marr participated.

Commissioner Barnes reported that he attended the Bi-State Transportation Committee meeting with the State of Oregon. He also attended the Southwest RTC Board of Directors meeting and the Columbia River Channel Deepening Coalition meeting.

Commissioner Maher reported that she attended the Tri-County QUADCO meeting.

Chair Davis commented briefly regarding the status of the Puget Sound Regional Council's Pricing Demonstration Project. He stated that he is also working closely with the Regional Transportation Investment District.

The Commission meeting adjourned at 5:00 p.m., on November 14, 2003.